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10/661,714	09/12/2003	Abolghassem B. Mahmoodi	58897US002	8261
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EXAMINER				
AN, IG TAI				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com

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Office Action Summary

Application No.

10/661,714

Applicant(s)

MAHMOODI ET AL.

Examiner

IG TAI AN

Art Unit

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 5/13/2004, 2/1/2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

This communication is a First Office Action Non- Final Rejection on the merits.

Claims 1 - 38 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, 5, 6, 9, 11, 12, 14, 15, 17, 19, 20, 22, 24, 25, 28, 29, 32, 33, 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5, 9, 11, 14, 19, 24, 28, 32, and 36 recite "substantially real time". It is not clear what "substantially real time" is defined as.

Claims 3, 5, 12, 15, 20, 25, 29, 33, and 37 recite "said food preparation area is centralized". It is not clear what "centralized" is defined as.

Claims 17 and 22 recite "displaying said indicia". It is not clear where "said indicia" is displayed.

Clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 - 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer et al. (hereinafter Mayer) (US 20020026364).

As per Claims 1 and 4, Mayer discloses a method of communicating a plurality of food orders in a restaurant from a plurality of portable ordering devices to a food preparation area (Paragraph 32 teaches waiters get orders from customer in the restaurant using hand-held device and send the orders to the kitchen station), comprising the steps of:

creating handwritten indicia representative at least an aspect of one of said plurality of food orders on one of said plurality of ordering devices (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written data, and paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices. Combining two features teaches inputting hand-written orders using the hand-held devices such as PDA); and

wirelessly communicating said indicia from said one of said plurality of portable ordering devices for display in said food preparation area (Paragraph 32 teaches a process where the orders from wait staff's hand-held devices are transmitted to the kitchen/food preparation area. Figure 6 #22, #26, #28 a, b, c, and n teaches the communication of PDA and the kitchen station monitor. Paragraphs 19 and 20 teach the wireless communication between hand-held device and the kitchen station monitor).

As per Claims 7 and 10, Mayer discloses a method of communicating a plurality of food orders in a restaurant from a plurality of portable ordering devices to a centralized food preparation area (Paragraph 32 teaches waiters get orders from customer in the restaurant using hand-held device and send the orders to the kitchen station), comprising the steps of:

indicating one of said plurality of food orders on one of said plurality of ordering devices (Paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices);

wirelessly communicating said indication from said one of said plurality of portable ordering devices in substantially real time for display in said food preparation area, said indicia being uniquely identified with said one of said plurality of portable ordering devices (Paragraph 32 teaches a process where the orders from wait staff's hand-held devices are transmitted to the kitchen/food preparation area. Figure 6 #22, #26, #28 a, b, c, and n teaches the communication of PDA and the kitchen station monitor. Paragraphs 19 and 20 teach the wireless communication between hand-held device and the kitchen station monitor and hand-held device/PDA accepting hand-written/uniquely identified input. Paragraph 31 teaches the information is communicated is done in real-time);

wirelessly communicating completion of said one of said plurality of food orders to said one of said plurality of portable ordering devices (Paragraph 32 teaches kitchen notify the wait staff when the food is ready using wireless communication from the

kitchen station to wait staffs' hand-held devices).

As per Claims 13, and 18, Mayer discloses communicating a plurality of food orders in a restaurant from a plurality of portable ordering devices to a food preparation area (Paragraph 32 teaches waiters get orders from customer in the restaurant using hand-held device and send the orders to the kitchen station), comprising the steps of:

creating indicia representative of at least an aspect of one of said plurality of food orders on one of said plurality of portable ordering devices (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written data, and paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices. Combining two features teaches inputting hand-written orders using the hand-held devices such as PDA);

first wirelessly communicating said indicia from said one of said plurality of portable ordering devices to said food preparation area, said indicia being uniquely identified with said one of said plurality of portable ordering devices (Paragraph 32 teaches a process where the orders from wait staff's hand-held devices are transmitted to the kitchen/food preparation area. Figure 6 #22, #26, #28 a, b, c, and n teaches the communication of PDA and the kitchen station monitor. Paragraphs 19 and 20 teach the wireless communication between hand-held device and the kitchen station monitor and hand-held device/PDA accepting hand-written/uniquely identified input. Paragraph 31 teaches the information is communicated is done in real-time);

second wirelessly communicating completion of said one of said plurality of orders to said one of said plurality of portable ordering devices (Paragraph 32 teaches kitchen notify the wait staff when the food is ready using wireless communication from the kitchen station to wait staffs' hand-held devices).

As per Claim 23 and 27, Mayer discloses a system for communicating a plurality of food orders in a restaurant (Paragraph 32 teaches waiters get orders from customer in the restaurant using hand-held device and send the orders to the kitchen station), comprising:

a plurality of portable ordering devices, each of said plurality of portable ordering devices being capable of wireless communication and being capable of receiving handwritten indicia indicative of one of said plurality of food orders (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written data, and paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices. Combining two features teaches inputting hand-written orders using the hand-held devices such as PDA);

a communication processor wirelessly coupled with said plurality of portable ordering devices (Figure 6 #34, #26 and #28a, b, c, and n shows the connection of the server/communication processor and the hand-held device or portable ordering device, and paragraph 19 and 20 teaches the communication is done wirelessly);

a display, operatively coupled to said communication processor, for displaying in a food preparation area (Figure 6 #22, #26 and #34 teaches the connection of the kitchen station display, and the server/communication processor); and

said communication processor wirelessly receiving said handwritten indicia uniquely identified with said one of said plurality of portable ordering devices and displaying said handwritten indicia on said display (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written or uniquely identified data or order, and paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices and send the orders to the kitchen station and displays the order. Figure 6 #22, #34, #26 and #28a, b, c, and n shows the connection of the kitchen station including display, server/communication processor and the hand-held device or portable ordering device. Paragraph 19 and 20 teaches the communications are done wirelessly).

As per Claim 31 and 35, Mayer discloses communicating a plurality of food orders in a restaurant from a plurality of portable ordering devices to a food preparation area (Paragraph 32 teaches waiters get orders from customer in the restaurant using hand-held device and send the orders to the kitchen station), comprising:

a plurality of portable ordering devices, each of said plurality of portable ordering devices being capable of wireless communication and being capable of receiving indicia indicative of one of said plurality of food orders (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written data, and paragraph 32

teaches a method of wait staffs take orders from customers using the hand-held devices. Combining two features teaches inputting hand-written orders using the hand-held devices such as PDA);

a communication processor wirelessly coupled with said plurality of portable ordering devices (Figure 6 #34, #26 and #28a, b, c, and n shows the connection of the server/communication processor and the hand-held device or portable ordering device, and paragraph 19 and 20 teaches the communication is done wirelessly);

a display, operatively coupled to said communication processor, for display in said food preparation area (Figure 6 #22, #26 and #34 teaches the connection of the kitchen station display, and the server/communication processor);

said communication processor wirelessly receiving said indicia uniquely identified with said one of said plurality of portable ordering devices and displaying said indicia on said display (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written or uniquely identified data or order, and paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices and send the orders to the kitchen station and displays the order. Figure 6 #22, #34, #26 and #28a, b, c, and n shows the connection of the kitchen station including display, server/communication processor and the hand-held device or portable ordering device. Paragraph 19 and 20 teaches the communications are done wirelessly);

said communication processor wirelessly indicating completion of said one of said plurality of food orders to said one of said plurality of ordering devices (Paragraph

19, 20 and 32 teaches kitchen notify the wait staff when the food is ready using wireless communication from the kitchen station to wait staffs' hand-held devices).

As per Claims 2, 5, 9, 11, 14, 19, 24, 28, 32, and 36, Mayer discloses wherein said wirelessly communicating step is accomplished in substantially real time (Paragraph 31 teaches the information is communicated is done in real-time).

As per Claims 3, 6, 12, 15, 20, 25, 29, 33, and 37, Mayer discloses wherein said food preparation area is centralized (Paragraph 32 teaches that all food orders are sent or to kitchen, Kitchen is in the center of all the orders and all the food orders go through the kitchen. therefore, the Examiner construes that sending all food orders to the kitchen is equivalent to "the kitchen/food preparation area is centralized").

As per Claims 8, 26 and 30, Mayer discloses wherein said completion is indicated at said food preparation area (Paragraph 19, 20 and 32 teaches kitchen notify the wait staff when the food is ready using wireless communication from the kitchen station to wait staffs' hand-held devices).

As per Claims 16, 21, 34 and 38, Mayer discloses wherein said indicia comprises handwritten indicia (Paragraph 20 teaches the hand-held device such as PDA with function of accepting hand-written data, and paragraph 32 teaches a method of wait staffs take orders from customers using the hand-held devices. Combining two

features teaches inputting hand-written orders or indicia using the hand-held devices such as PDA).

As per Claim 17 and 22, Mayer discloses wherein first wirelessly communicating step comprises displaying said indicia (As best understood by the Examiner, the order or indicia is displayed on the kitchen station monitor. Figure 6 #22, #26, #28 a, b, c, and n teaches the communication of PDA and the kitchen station monitor, and Paragraphs 19 and 20 teach the wireless communication between hand-held device and the kitchen station monitor).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Camaisa et al. (US 5845263) discloses interactive visual ordering system.

Showghi et al. (US 6473739) discloses remote ordering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IG TAI AN whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ITA

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4127